

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

NATIONAL LABOR RELATIONS
BOARD,

Petitioner

v.

NEWARK ELECTRIC
CORPORATION, NEWARK
ELECTRIC 2.0, INC. AND
COLACINO INDUSTRIES, INC.

Respondents.

Case No. 18-2784

Board Case No. 03-CA-088127

ATTORNEY AFFIRMATION
IN SUPPORT OF RESPONDENTS' MOTION FOR
ADJOURNMENT/POSTPONEMENT OF ORAL ARGUMENT

1. I am counsel-of-record in this matter for Respondents, Newark Electric Corporation *et. al.* This attorney affirmation is submitted in support of Respondents' Motion for Adjournment/Postponement of Oral Argument.
2. Oral argument in this matter is currently scheduled for tomorrow, October 1, 2019, at 10:00am in the Thurgood Marshall U.S. Courthouse, New York, NY.
3. I maintain an office for my practice in Pittsford, NY, with the law firm Harris Beach PLLC. I reside in Canandaigua, NY.
4. My wife suffered a medical emergency over the late-night hours of Sunday, September 29th and into the early-morning hours of Monday, September 30th. I took my wife to the local emergency department during this time and she has since been admitted to the hospital for indefinite duration.

5. Due to my wife's medical condition, I will be unable to travel for oral argument. I attach as **Exhibit A** a medical note from my wife's treating physician attesting to same.
6. My office has advised the Court's case manager and the Court's calendar clerk of the situation.
7. My office has further advised the National Labor Relations Board's counsel, Milakshmi V. Rajapakse, Julie Broido, and Ruth E. Burdick, of the situation and requested their position on this motion to postpone oral argument. In response, Board counsel informed my office that they communicated with the Court's calendar clerk and take a neutral "no position" on this motion.
8. Accordingly, pursuant to Second Circuit Local Rule 34.1(e), Respondents respectfully request an order postponing oral argument due to extraordinary circumstances. Respondents request that argument be postponed for 30 days, or such time thereafter as the Court deems appropriate.

September 30, 2019
Pittsford, New York

s/Edward A. Trevvett
Edward A. Trevvett
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EXHIBIT A

9/30/2019

To Whom It May Concern:

Mr. Edward Trevvett and Mrs. Beth Trevvett may both be delayed in traveling over the next week secondary to Mrs. Trevvett's emergency medical condition. Please, consider this for travel, flight, and occupational scheduling.

A handwritten signature in black ink, appearing to read 'M.E. Osborne, MD', with a stylized flourish at the end.

M.E. Osborne, MD

Chief

Medical Director, Emergency Medicine

Thompson Health

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